

REMARKS

Claims 1-20, as amended, appear in this application for the Examiner's review and consideration. Claims 3 and 4 have been amended to correct informalities while claims 14 and 19 are re-written in independent form. Claim 13 has been amended to clarify that the method can use the composition of claim 1 or a compound of formula (I). No new matter has been introduced. Accordingly, these amendments should be entered at this time.

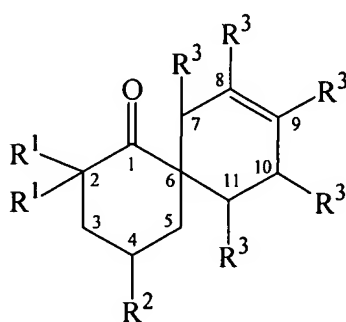
Claims 3 and 4 have been objected to for improper multiple dependencies. The amendment of these claims now overcomes this objection.

Claims 14-20 were rejected as not limiting a previous claim. In response, claims 14 and 19, which are directed to preferred compounds, have been re-written in independent form. These claims cover preferred compounds whereas claim 1 is directed to compositions. Accordingly, it is believed that the rejection is overcome and that these claims can properly appear together in this application.

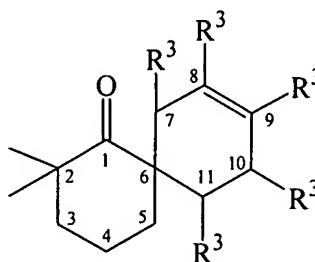
The indication of allowance subject matter in claims 5 and 7 is noted with appreciation. For the reasons that follow, it is believed that these claims do not need to be re-written in independent form but applicants reserve the right to do so in a further response.

Claims 1, 2 and 8-13 were rejected for anticipation over Nagakura et al. US patent 4,052,047 ("Nagakura"). Applicants traverse this rejection.

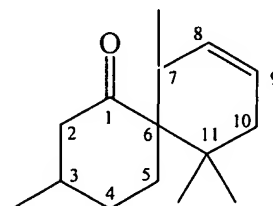
Nagakura's compound is different from, and out of the scope of, formula (I) of claim 1. In order to demonstrate this difference, reported below are the ketone of the prior art Nagakura patent and the ketones that are defined by formula (I) with the same perspective and numbering of the ring atoms:



present invention



present invention: claim 6



Nagakura

As can be seen the prior art compound differs from the one of the present invention by:

- i) having a methyl group at atom 3, and
- ii) having a gem-dimethyl group at atom 11, instead of atom 2, i.e. on the cycle not bearing the carbonyl group of the ketone.

In view of these differences, the rejection for anticipation is not applicable and should be withdrawn. To the extent that the Examiner may believe that the claims are unpatentable over Nagakura for obviousness, applicants will demonstrate by declaration evidence that this rejection is also inapplicable.

Claims 1, 2, and 8-13 were rejected as being obvious over US patent 4,639,330 to Sprecker et al. ("Sprecker"). Applicants also traverse this rejection.

The present invention relates to compounds and compositions of such compounds that when added to a perfuming composition or perfume provide a woody and/or aromatic odor character note. In particular, the woody character imparted by these compounds has typically a amber, rooty or precious wood connotation. The aromatic character imparted by these compounds has typically a herb/balsam connotation (i.e., lavender, eucalyptus, clary-sage, etc. - see also paragraphs [0058] to [0062] of the present application). Furthermore, and more precisely, the compounds having two 6 member rings (i.e., the spiro-undecane derivatives) have odors of the woody/aromatic type cited above, and the compounds having one 6 member ring and one 5 member ring (i.e., the spiro-decane derivatives) have odors of the woody type cited above.

Sprecker discloses spiro-decane derivatives and in particular mixture of 10-butyl-(8 or 7)-methyl-spiro(4,5)dec-7-en-1-one or of 10- isopropyl -(8 or 7)-methyl-spiro(4,5)dec-7-en-1-one. Nagakura also discloses a spiro-undecane derivative, in particular 3,7,11,11-tetramethyl-spiro[5,5]-undeca-8-ene-1-one. The office action assumes that since the present compounds differ from that of Sprecker or Nagakura only by the presence of additional CH₂ groups or by a different location of the substituents, there is a presumed expectation of similar properties because the compounds are homologues. This presumption is incorrect because these compounds have significantly different properties and utilities. Although both compounds are useful as perfuming ingredients, the present compounds have distinctly different odor properties and organoleptic utilities.

Sprecker's prior art compounds have odors characterized by a typical floral, fruity and minty character. The woody undertones (also mentioned in Sprecker documents) are too weak to impart a woody character to the odor of such compounds and are also of the sweet type. Similarly, the prior art compound disclosed by Nagakura has an odor wherein, despite the flavor described in the relative disclosure, the powdery-violet-sweet and floral character dominate.

Accordingly, the characters of the odor properties of the present compounds differ from those of the prior art by having a woody character, of ambery, rooty and/or precious woods connotation, and or an aromatic character, of herb/balsam connotation. The inventive compounds also differ from Sprecker by not having a floral/fruity character. These differences are all the more surprising and unexpected since the present compounds have odor characteristics that are substantially different from what is provided by the compounds of the cited references.

Furthermore, the different odor character of the present compounds is not ascertainable from or suggested by Sprecker or Nagakura, nor are they obvious or extrapolatable from the compounds disclosed in Sprecker or Nagakura. Indeed, there is nothing in Sprecker or Nagakura that leads a skilled artisan to foresee the presently claimed odor character simply based on the structural similarity of the prior art compound.

Thus, that the compounds of formula (I) have an odor which is different from that of Sprecker or Nagakura, in spite of the fact that they have very close structures. These two compounds, as such, are well suited for different end use applications: indeed the present compound (I) is particularly well fitted to be incorporated into preparation wherein it is useful to impart/provide woody and or aromatic tonalities, while the prior art compounds are more fitted to be incorporated into preparation wherein it is useful to impart/provide sweet, floral tonalities. In other words the compounds of the invention and those of the cited prior art are useful for different purposes.

As previously noted in other patent applications from this assignee, in this art, a skilled artisan cannot rely on structural closeness to predict the organoleptic characteristics of a specific compound, or the usefulness of the odor properties of the compound. Therefore, although the prior art and present compounds are related as structural homologues differing in the position of the double bond, the compounds are actually of different nature, with different properties and

organoleptic utilities, and any presumption of property similarities between the compounds should be overcome.

In support of these comments, a Rule 132 Declaration of Pierre-Alain Blanc is enclosed. Mr. Blanc, a master perfumer and one of ordinary skill in the art, finds no teaching in Sprecker or Nagakura of how to obtain or utilize the compounds or compositions of the present invention for imparting a woody and/or aromatic odor character note.

Finally, applicants note that the one of the PTO 1449 forms contains a typographical error in the title of the cited article. Accordingly, a corrected form, designated as a Substitute Page, is enclosed for substitution for the form that is currently of record in the file. The Examiner's assistance in correcting this inadvertent error would be appreciated.

In view of the above, it is respectfully submitted that all current rejections have been overcome and should be withdrawn. Accordingly, the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,

6-29-06
Date

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212-294-3311

LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

ATTY. DOCKET NO.:

81455-5780

APPLICATION SERIAL NO.:

APPLICANT:

Christian VIAL et al.

FILING DATE:

GROUP:

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
MC	AA	4,622,172	11/1986	Schreiber et al.	252	522	
MC	AB	4,668,432	5/1987	Sprecker et al.	252	522	
	AC						
	AD						
	AE						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AF							
	AG							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)*alpha-*

MC	AH	Nakamura et al., "Methylation/diels-alder tandem reaction promoted by ammonium salts generated in situ from secondary-tertiary diamines and alkoxymethyl chlorides", Chem. Commun., pp. 1648-1649 (2002)						
	AI							
	AJ							
	AK							
	AL							

EXAMINER**DATE CONSIDERED***Mc J. C.**3/06*

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.